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Attorneys for Defendants  
 Consecos, Inc., 40/86 Advisors, Inc., Consecos  
 Services, L.L.C., and Consecos Marking, L.L.C.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

In re CONSECO INSURANCE CO.  
 ANNUITY MARKETING & SALES  
 PRACTICES LITIG.

Case No. C-05-04726-RMW  
 And Related Cases

CLASS ACTION

This Case Relates To:

ALL ACTIONS.

**STIPULATION AND ORDER**  
**[XXXXXXXXXXXXXX] FOR SCHEDULING AND**  
**EXTENSIONS RELATING TO**  
**DEFENDANTS' MOTION TO DISMISS**  
**SECOND AMENDED COMPLAINT**

**STIPULATION**

Whereas, Defendants Conseco, Inc., 40/86 Advisors, Inc., Conseco Services, L.L.C. and Conseco Marketing, L.L.C. ("Defendants") moved to dismiss Plaintiff's Second Amended Consolidated Class Action Complaint based upon their contention that the Court lacked personal jurisdiction over them; and

Whereas, Defendants Conseco Marketing, L.L.C. and Conseco Services, L.L.C. have withdrawn their jurisdictional challenges but the remaining defendants have not done so; and

Whereas, Plaintiff served discovery requests and seeks to conduct Rule 30(b)(6) depositions directed to the factual issues raised by defendants' jurisdictional challenges; and

Whereas, Defendants have provided some jurisdictional discovery but have continued to experience difficulties related to the identification and production of responsive documents, which is still not complete, and any depositions on the jurisdictional issues have been postponed pending the receipt and review of all of Defendants' written jurisdictional discovery materials; and

Whereas, Plaintiff and all Defendants, through their respective counsel, agree that, given the Defendants' difficulties in providing jurisdictional discovery, it is not possible to complete jurisdictional discovery by the present May 1, 2008 deadline and that a sixty (60) day extension of that deadline is necessary and appropriate given the status of Defendants' ongoing discovery production.

Now, therefore, Plaintiff and all Defendants hereby stipulate and agree to the following extensions of time and scheduling relating to Plaintiff's response and/or opposition to Defendants' Motion to Dismiss Second Amended Consolidated Class Action Complaint ("Defendants' Motion")(Document No. 103) :

1. All Rule 30(b)(6) depositions relating to jurisdictional issues shall be completed on or before July 1, 2008;

3. Plaintiff shall file papers in opposition or response to Defendants' Motion on or before August 1, 2008;

4. Defendants shall file their papers in reply on or before August 12, 2008.

The parties hereby request a hearing on Defendants' Motion to be scheduled by the Court at such time after August 12, 2008 as determined by the Court.

DATED: April 10, 2008.

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**ORDER** [XXXXXXXXXXXXXX]

The Court having considered the above stipulation and good cause appearing,  
IT IS HEREBY ORDERED that the parties shall comply with the schedule set forth  
above.

IT IS FURTHER ORDERED that the hearing on the Motion to Dismiss Second  
Amended Consolidated Class Action Complaint filed by Defendants CONSECO, INC., 40/86  
ADVISORS, INC., CONSECO SERVICES, L.L.C. and CONSECO MARKETING, L.L.C.  
shall be scheduled for August 15, \_\_\_\_\_, 2008 at 9:00 AM Courtroom 6 of this Court.

DATED: April 17 2008

*Ronald M. Whyte*  
\_\_\_\_\_  
Ronald M. Whyte  
United States District Court Judge

**PROOF OF SERVICE**

I, Jennifer L. Nagle, declare: I am employed in the City of Chicago, Illinois, County of Cook. I am over the age of 18 years and not a party to the within action. My business address is 130 E. Randolph Drive, Chicago, Illinois 60601

On April 10, 2008, I served the attached:

**STIPULATION AND ORDER [PROPOSED] FOR SCHEDULING AND EXTENSIONS RELATING TO DEFENDANTS' MOTION TO DISMISS SECOND AMENDED COMPLAINT**

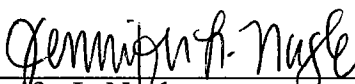
to the parties listed on the attached Service List by the following means of service:

☒ (BY E-MAIL) I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.

☒ (BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.

☒ (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at BAKER & McKENZIE, Chicago, Illinois, following ordinary business practices. I am readily familiar with the practice of BAKER & McKENZIE for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the law that the foregoing is true and correct. Executed in Chicago, Illinois, on April 10, 2008.

  
Jennifer L. Nagle

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7 \*\* Denotes service by U.S. Mail and E-mail.

8 \* Denotes service by U.S. Mail.